

1 AN ACT in relation to public aid.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Illinois Public Aid Code is amended by
5 changing Section 9A-11 as follows:

6 (305 ILCS 5/9A-11) (from Ch. 23, par. 9A-11)
7 Sec. 9A-11. Child Care.

8 (a) The General Assembly recognizes that families with
9 children need child care in order to work. Child care is
10 expensive and families with low incomes, including those who
11 are transitioning from welfare to work, often struggle to pay
12 the costs of day care. The General Assembly understands the
13 importance of helping low income working families become and
14 remain self-sufficient. The General Assembly also believes
15 that it is the responsibility of families to share in the
16 costs of child care. It is also the preference of the
17 General Assembly that all working poor families should be
18 treated equally, regardless of their welfare status.

19 (b) To the extent resources permit, the Illinois
20 Department shall provide child care services to parents or
21 other relatives as defined by rule who are working or
22 participating in employment or Department approved education
23 or training programs. At a minimum, the Illinois Department
24 shall cover the following categories of families:

25 (1) recipients of TANF under Article IV
26 participating in work and training activities as
27 specified in the personal plan for employment and
28 self-sufficiency;

29 (2) families transitioning from TANF to work;

30 (3) families at risk of becoming recipients of
31 TANF;

- 1 (4) families with special needs as defined by rule;
- 2 and
- 3 (5) working families with very low incomes as
- 4 defined by rule.

5 The Department shall specify by rule the conditions of
6 eligibility, the application process, and the types, amounts,
7 and duration of services. Eligibility for child care
8 benefits and the amount of child care provided may vary based
9 on family size, income, and other factors as specified by
10 rule. In determining income eligibility for child care
11 benefits, the Department shall establish, by rule, one income
12 threshold for each family size, in relation to percentage of
13 State median income for a family of that size, that makes
14 families with incomes below the specified threshold eligible
15 for assistance and families with incomes above the specified
16 threshold ineligible for assistance. In determining
17 eligibility for assistance, the Department shall not give
18 preference to any category of recipients or give preference
19 to individuals based on their receipt of benefits under this
20 Code. The Department shall allocate \$7,500,000 annually for a
21 test program for families who are income-eligible for child
22 care assistance, who are not recipients of TANF under Article
23 IV, and who need child care assistance to participate in
24 education and training activities. The Department shall
25 specify by rule the conditions of eligibility for this test
26 program. It is the intent of the General Assembly that, for
27 fiscal year 1998, to the extent resources permit, the
28 Department shall establish an income eligibility threshold of
29 50% of the State median income. Notwithstanding the income
30 level at which families become eligible to receive child care
31 assistance, any family that is already receiving child care
32 assistance on the effective date of this amendatory Act of
33 1997 shall remain eligible for assistance for fiscal year
34 1998. Nothing in this Section shall be construed as

1 conferring entitlement status to eligible families. The
2 Illinois Department is authorized to lower income eligibility
3 ceilings, raise parent co-payments, create waiting lists, or
4 take such other actions during a fiscal year as are necessary
5 to ensure that child care benefits paid under this Article do
6 not exceed the amounts appropriated for those child care
7 benefits. These changes may be accomplished by emergency
8 rule under Section 5-45 of the Illinois Administrative
9 Procedure Act, except that the limitation on the number of
10 emergency rules that may be adopted in a 24-month period
11 shall not apply. The Illinois Department may contract with
12 other State agencies or child care organizations for the
13 administration of child care services.

14 (c) Payment shall be made for child care that (i)
15 otherwise meets the requirements of this Section and
16 applicable standards of State and local law and regulation,
17 including any requirements the Illinois Department
18 promulgates by rule in addition to the licensure requirements
19 promulgated by the Department of Children and Family Services
20 and Fire Prevention and Safety requirements promulgated by
21 the Office of the State Fire Marshal, and (ii) is provided in
22 any of the following:

23 (1) a child care center that ~~which~~ is licensed or
24 exempt from licensure pursuant to Section 2.09 of the
25 Child Care Act of 1969;

26 (2) a licensed child care home or home exempt from
27 licensing;

28 (3) a licensed group child care home;

29 (4) other types of child care, including child care
30 provided by relatives or persons living in the same home
31 as the child, as determined by the Illinois Department by
32 rule.

33 (d) The Illinois Department shall, by rule, require
34 co-payments for child care services by any parent, including

1 parents whose only income is from assistance under this Code.
2 The co-payment shall be assessed based on a sliding scale
3 based on family income, family size, and the number of
4 children in care.

5 (e) The Illinois Department shall conduct a market rate
6 survey based on the cost of care and other relevant factors
7 which shall be completed by July 1, 1998.

8 (f) The Illinois Department shall, by rule, set rates to
9 be paid for the various types of child care. Child care may
10 be provided through one of the following methods:

11 (1) arranging the child care through eligible
12 providers by use of purchase of service contracts or
13 vouchers;

14 (2) arranging with other agencies and community
15 volunteer groups for non-reimbursed child care;

16 (3) (blank); or

17 (4) adopting such other arrangements as the
18 Department determines appropriate.

19 (g) Families eligible for assistance under this Section
20 shall be given the following options:

21 (1) receiving a child care certificate issued by
22 the Department or a subcontractor of the Department that
23 may be used by the parents as payment for child care and
24 development services only; or

25 (2) if space is available, enrolling the child with
26 a child care provider that has a purchase of service
27 contract with the Department or a subcontractor of the
28 Department for the provision of child care and
29 development services. The Department may identify
30 particular priority populations for whom they may request
31 special consideration by a provider with purchase of
32 service contracts, provided that the providers shall be
33 permitted to maintain a balance of clients in terms of
34 household incomes and families and children with special

1 needs, as defined by rule.

2 (Source: P.A. 90-17, eff. 7-1-97; 91-509, eff. 1-1-00.)